

Applicant : Preiss et al.
Serial No. : 09/829,654
Filed : April 9, 2001
Page : 7 of 14

Attorney's Docket No.: 12754-059001 / 2000P07569US01

REMARKS

I. Introduction

In response to the Office Action dated October 3, 2005, Applicant has amended claims 1-4 to spell out the abbreviated terms, and claim 5 to correct a minor punctuation oversight. Also, Applicant has amended claims 4, 8, 12 and 16 so as to replace the claimed feature "ATM handler" with the terms "ATM cell handler" so as to be consistent with that described in the specification. New claims 17-19 have been added. Support for these amendments can be found, for example, at page 3, lines 29-30, page 6, lines 9-13 and page 9, lines 1-3 of the specification. No new matter has been added.

For the reasons set forth below, Applicant respectfully submits that all pending claims are patentable over the cited prior art references.

II. The Rejection Of Claims 1-16 Under 35 U.S.C. § 103

Claims 1-16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over USP No. 6,529,502 to Sarkissian in view of USP No. 6,202,104 to Ober. Applicant respectfully traverses this rejection for at least the following reasons.

Claim 1

A. Sarkissian Does Not Disclose Coupling The Processor, Packet Handler, Voice Handler, Cell/Frame Handler and Peripheral Control Processor To The Same Bus

Claim 1 recites in-part a bus, where the bus couples to the processor, packet handler, voice handler, cell/frame handler and peripheral control processor. In other words, claim 1 requires that the processor, packet handler, voice handler, cell/frame handler and peripheral control processor couple to a *common* bus.

In the pending rejection, the Examiner reads the TDM bus 78, packet bus 80A/80B and the control bus 92 as the claimed bus. The Examiner also reads the DSP 79C as the claimed processor, the LAN bus 81 as the claimed packet handler, the ATM controller 79B as the claimed cell/frame handler and the DSP 76 as the claimed peripheral control processor.

Applicant : Preiss et al.
Serial No. : 09/829,654
Filed : April 9, 2001
Page : 8 of 14

Attorney's Docket No.: 12754-059001 / 2000P07569US01

However, as is evident from Fig. 3 of Sarkissian, the DSP 79C is only coupled to the TDM bus 78, and is *not* connected to the packet bus 80A/80B or the control bus 92. It is also noted that the TDM bus 78 is *not* connected to the LAN bus 81 (the alleged packet handler) of Sarkissian in any manner. Accordingly, it is respectfully submitted that the pending rejection has failed to arrive at the claimed invention, because the pending rejection has not shown how the alleged features are coupled to a *common* bus, as required in claim 1.

B. Sarkissian And Ober Do Not Disclose Or Suggest A Voice Handler

Further, claim 1 recites a voice handler coupled to a bus, where the voice handler includes at least one second port for interfacing to a telephone.

Specifically, the Examiner asserts that this feature is disclosed in Fig. 3 and at col. 8, lines 60-67 (see, page 2 of Office Action) of Sarkissian.

As a preliminary matter, the pending rejection has *not* set forth what is being considered as the claimed voice handler in the prior art. As such, it is difficult to understand the basis of the rejection and to correspondingly respond thereto.

Having failed to specifically identify where Sarkissian discloses this claimed feature, the PTO has, in effect, denied Applicant procedural due process of law, in that it is difficult for the Applicant to respond to the rejection by shooting arrows into the dark. *In re Mullin*, 481 F.2d 1333, 179 USPQ 97 (CCPA 1973).

Ober also does not cure this defect of Sarkissian because Ober is not directed to a Voice over Internet Protocol telephone, let alone disclose a voice handler that interfaces with a telephone.

Should the PTO persist in asserting that Sarkissian or Ober discloses such feature, the PTO is specifically requested to comply with judicial precedent and particularly identify this claim feature in Sarkissian or Ober to provide Applicant an opportunity to submit an appropriate response, consistent with the requirements of *procedural due process of law*. *In re Mullin*, 481 F.2d 1333, 179 USPQ 97 (CCPA 1973). Applicant would refer to *Smith Industries Medical Systems v. Vital Signs*, 183 F.3d 1347, 51 USPQ2d 1415 (Fed. Cir. 1999); *In re Rijckaert*, 9 F.3d

Applicant : Preiss et al.
Serial No. : 09/829,654
Filed : April 9, 2001
Page : 9 of 14

Attorney's Docket No.: 12754-059001 / 2000P07569US01

1531, 28 USPQ2d 1955 (Fed. Cir. 1993); and *Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481 (Fed. Cir. 1984) for the proposition that the PTO is required to identify where a reference discloses each and every claimed feature.

At any rate, even assuming *arguendo* that the alleged voice handler has properly been identified, at the cited portion, Sarkissian discloses only that the interface cards 82 coupled to the TDM bus 78 are line, station and trunk interface cards, where the interface cards 82 provide CODEC, line interface, off-hook detect and points of termination for telephones 12. Because Sarkissian does not disclose or suggest that these interface cards 82 functions to handle voice data, it is respectfully submitted that the interface cards 82, when interpreted in view of Sarkissian's disclosure, cannot reasonably be interpreted as the claimed voice handlers. Accordingly, Sarkissian is completely silent with respect to utilizing any voice handler for interfacing to the telephones 12, as required in claim 1.

Claim 3

Claim 3 recites a voice handler including a bus bridge for interfacing to a bus, one or more PCM ports, a mailbox and a DSP core.

A. Sarkissian Does Not Disclose A Bus Bridge, A Mailbox Or A DSP Core

In the pending rejection, the Examiner reads the TDM bus 78 of Sarkissian as the claimed bus bridge and the DSP 79C as the claimed DSP core.

However, it is respectfully submitted that this logic is flawed, because the pending rejection construes the TDM bus 78 as *both* a bus and a bus bridge. In contrast, claim 3 expressly recites a bus and a bus bridge that are *separate* and *distinct* features, as noted by their distinct term.

In this regard, claim 3 recites a voice handling having a bus bridge that interfaces with a bus. Thus, even assuming *arguendo* that the alleged claim construction has merit, using this interpretation, Applicant respectfully submits that it is not understood as to how the rejection construes the alleged voice handler, if disclosed, as having the TDM bus 78 interface with a

Applicant : Preiss et al.
Serial No. : 09/829,654
Filed : April 9, 2001
Page : 10 of 14

Attorney's Docket No.: 12754-059001 / 2000P07569US01

separate and *distinct* element; namely a *separate* bus, because the alleged bus bridge also functions as the bus *itself*.

Without any basis or rationale presented in support of this assertion, it is difficult for the Applicant to further address the basis of these rejections and to provide a proper rebuttal. If the pending rejection is maintained, it is respectfully requested that the next Office Action provide factual evidence and demonstrate how the TDM bus 78 serves as a bus and a bus bridge so as to afford the Applicant an opportunity to further address this issue.

Accordingly, for at least these reasons, it is respectfully submitted that the components that the Examiner alleges as corresponding to the claimed bus and the claimed bus bridge are a single object, so that Sarkissian does not disclose or suggest a bus bridge and a bus that are *separate* and *distinct*, as recited in claim 3.

Furthermore, the Examiner has broadly interpreted the DSP 79C of Sarkissian as both the claimed processor core and the claimed DSP core.

However, similar to the flaw discussed above with respect to the claimed bus and bus bridge, the pending rejection construes the DSP 79C as both a processor core and a DSP core. In contrast, claim 3 expressly recites a processor core and a DSP core that are *separate* and *distinct* features, as noted by their distinct reference name.

Even assuming *arguendo* again that the claim is sufficiently broad to cover a processor core and a DSP core as a single element, the pending rejection has *not* demonstrated how the DSP 79C of Sarkissian and the claimed processor core and DSP core are *structurally* and *functionally* equivalent. Indeed, using this interpretation, it can be followed that the rejection also illogically views the DSP 79C of Sarkissian as the claimed voice handler because the voice handler includes the DSP core, a position that is clearly *not* supported by the disclosure of Sarkissian. Absent this teaching, it is respectfully submitted that Sarkissian does not disclose or suggest a DSP core, as recited in claim 3.

As a final note, it is again noted that the pending rejection has *not* set forth what is being considered as the claimed mailbox in the prior art. Without any support or rationale presented in support of the such allegation, it is difficult for the Applicant to provide a proper rebuttal. If the

Applicant : Preiss et al.
Serial No. : 09/829,654
Filed : April 9, 2001
Page : 11 of 14

Attorney's Docket No.: 12754-059001 / 2000P07569US01

pending rejection is maintained, it is respectfully requested that the next Office Action expressly identify which element of Sarkissian or Ober is being construed as the claimed mailbox so as to afford the Applicant an opportunity to further address this issue.

Claim 5

Claim 5 is directed to a method for providing a VoIP processing, the method comprising providing a *bus*, and providing a *voice handler* coupled to the bus, where the voice handler including at least one port for interfacing to a telephone. For analogous reasons similar to those discussed with respect to claim 1, it is respectfully submitted that claim 5 is also allowable over Sarkissian and Ober, taken alone or in combination, because the pending rejection has failed to identify what is being considered as a voice handler and a bus (e.g., a common bus).

Claim 7

Claim 7 recites in-part providing a bus interface for interfacing to a bus, one or more PCM ports, a mailbox and a DSP core. For analogous reasons similar to those discussed with respect to claim 3, it is respectfully submitted that claim 7 is also allowable over Sarkissian and Ober, taken alone or in combination.

Claim 9

Claim 9 is directed to a telecommunications system comprising a VoIO processor including a *bus*, and a *voice handler* coupled to the bus, where the voice handler includes at least one port for interfacing to a telephone. For analogous reasons similar to those discussed with respect to claim 1, it is respectfully submitted that claim 9 is also allowable over Sarkissian and Ober, taken alone or in combination, because the pending rejection has failed to identify what is being considered as a voice handler and a bus (e.g., a common bus).

Claim 11

Claim 11 recites in-part a voice handler having a bus interface for interfacing to a bus, one or more PCM ports, a mailbox and a DSP core. For analogous reasons similar to those

Applicant : Preiss et al.
Serial No. : 09/829,654
Filed : April 9, 2001
Page : 12 of 14

Attorney's Docket No.: 12754-059001 / 2000P07569US01

discussed with respect to claim 3, it is respectfully submitted that claim 11 is also allowable over Sarkissian and Ober, taken alone or in combination.

Claim 13

Claim 13 is directed to a method of providing a telecommunications system comprising providing a VoIP processor, the VoIP processor including a *bus*, and a *voice handler* coupled to the bus, where the voice handler including at least one port for interfacing to a telephone. For analogous reasons similar to those discussed with respect to claim 1, it is respectfully submitted that claim 13 is also allowable over Sarkissian and Ober, taken alone or in combination, because the pending rejection has failed to identify what is being considered as a voice handler and a bus (e.g., a common bus).

Claim 15

Claim 15 recites in-part providing a bus interface for interfacing to a bus, one or more PCM ports, a mailbox and a DSP core. For analogous reasons similar to those discussed with respect to claim 3, it is respectfully submitted that claim 15 is also allowable over Sarkissian and Ober, taken alone or in combination.

III. All Dependent Claims Are Allowable Because The Independent Claims From Which They Depend Are Allowable

Under Federal Circuit guidelines, a dependent claim is neither anticipated nor rendered obvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplicatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as independent claims 1, 5, 9 and 13 are patentable for the reasons set forth above, it is respectfully submitted that all claims dependent thereon are also in condition for allowance.

With respect to the new claims 17-19, these claims are respectively directed to a bus that is a flexible peripheral interconnect bus, a processor core that is a microcontroller having two

Applicant : Preiss et al.
Serial No. : 09/829,654
Filed : April 9, 2001
Page : 13 of 14

Attorney's Docket No.: 12754-059001 / 2000P07569US01

pipelines that support integer and load/store operations, and a third pipeline that supports optimized digital signal processor loop operation, and a peripheral control processor that is a programmable, interrupt-driven microcontroller for data transfer and peripheral control, and includes instructions for DMA and bit handling.

As is evident from the cited prior art that these new features are neither disclosed nor suggested, it is respectfully submitted that new claims 17-19 also are allowable over Sarkissian and Ober, taken alone or in combination.

IV. Conclusion

Because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. The absence of a reply to a specific issue or comment does not signify agreement with or concession of that issue or comment. Moreover, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

For all of the reasons set forth above, it is urged that the application is in condition for allowance, an indication of which is respectfully solicited.

If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicant's attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 06-1050 and please credit any excess fees to such deposit account.

Applicant : Preiss et al
Serial No. : 09/829,654
Filed : April 9, 2001
Page : 14 of 14

Attorney's Docket No.: 12754-059001 / 2000P07569US01

Respectfully submitted,

Date: 1/3/05



Alex Chan
Reg. No. 52,713

Fish & Richardson P.C.
500 Arguello Street, Suite 500
Redwood City, California 94063
Telephone: (650) 839-5070
Facsimile: (650) 839-5071

50311280.doc